

**MINUTES OF THE MEETING
ESTUARY HABITAT RESTORATION COUNCIL
AT HEADQUARTERS, U.S. ARMY CORPS OF ENGINEERS
441 G STREET, N.W., WASHINGTON, DC
August 28, 2002**

The meeting convened at 10:10 a.m., with the following members present.

- **Mr. Dominic Izzo**, Principal Deputy Assistant Secretary of the Army (Civil Works), Chairing;
- **Mr. R. Mack Gray**, Deputy Undersecretary of Agriculture, Natural Resources and Environment;
- **Mr. Scott Gudes**, Deputy Undersecretary of Commerce for Oceans and Atmosphere;
- **Dr. Steve Williams**, Director, U.S. Fish and Wildlife Service, Department of Interior.
- **Mr. Darrell Brown**, representing the Assistant Administrator for the Office of Water, Environmental Protection Agency;

I. INTRODUCTORY COMMENTS:

Mr. Izzo welcomed participants and called for approval of the Strategy. He cited progress on the estuary of the Mississippi River he had seen on a trip the previous week. The Mississippi Estuary would be too big a project for the Council, he said, but Federal, State and private agencies have reached consensus on what to do. He noted that a Senate committee had cut funds requested by the Administration for the Lower Columbia Estuary Project, but expressed hope that the funds would be restored in a House-Senate Conference. Such funding cuts, however, do not bode well for FY 04 funding for the Estuary Habitat Restoration Program, he warned.

Mr. Brown noted that EPA and NOAA are co-sponsoring Estuaries Day on October 5, 2002.

Mr. Gudes said the Council has started well, and agreed with the need for work in Coastal Louisiana, an area that he believes shows what happens when estuaries are not cared for.

Dr. Williams commended the Council for its work to date on the Strategy.

Mr. Gray noted that the Department of Agriculture Wetland Reserve Program has received final approval.

II. APPROVAL OF MINUTES:

Minutes of the May 22, 2002 meeting were approved.

III. STRATEGY REVISION:

Ms. Kathi Bangert, U.S. Fish & Wildlife Service, discussed public comments received on the Draft Strategy and how they were incorporated into the final document. The Draft appeared in the *Federal Register* on May 3, 2002, and 26 comments were received by the end of the comment period on July 1. Most offered clarifying language and were adopted. Among these were changes to include Tribal governments, define estuaries as streams with naturally unimpaired connections to the sea, change definitions of Great Lakes estuaries in line with local naturalists' views, and use national standards with regional refinements in mapping estuaries. Some were not incorporated due to statutory requirements. The new Strategy, she said, incorporates a call for innovative technology as required in the Estuary

Habitat Rehabilitation Act. The Strategy, she said, is dynamic, and can be changed by the Council as needed.

Mr. Izzo moved that the final Strategy be approved for publication in the Federal Register. Approved unanimously.

IV. PROJECT PROPOSAL & EVALUATION CRITERIA:

Ms. Amy Zimmerling, NOAA, discussed updates to the application procedures and criteria proposed by the Working Group since the last meeting, and distributed a draft application form to Council members.

Mr. Izzo expressed his desire for a process defined clearly enough to be audited by ordinary citizens. He suggested the Council draft a sample proposal.

Ms. Zimmerling said projects would be evaluated on a point system in two tiers. Tier I factors could cause a proposal to be rejected if it scored a “0” in any element. Tier II factors are additional items that help a project succeed, but are not as critical as those in Tier I.

Mr. Izzo suggested that “project readiness” receive additional weight in the evaluation. Noting that “any factor worth less than five points practically doesn’t count,” he observed that “a dedicated funding source” receives only one point. This led to considerable discussion about the relative weighting of the various factors, how the priority factors would affect recommendations, the use of acres as performance indicators, and the role of monitoring in documenting success.

Mr. Gudes asked how the proposed project selection criteria compare to those of other programs.

Ms. Zimmerling indicated that information regarding other programs was considered but this was tailored to the requirements of the Estuary Restoration Act.

There was a brief discussion of the level of detail required and the need to publish the draft application form in the Federal Register for comment.

Mr. Izzo suggested proceeding with a request for proposals. The various Council members and work group staff discussed the relative merits of this approach.

Dr. Williams warned that such an approach would be risky. He asked about coordination with OMB and Congress.

Mr. Gudes said he wants the program to go forward, but in the absence of appropriations, the Council could risk raising applicants’ expectations. It was agreed that the Council would send its final Strategy and criteria to OMB, proposing to forward them to Congress with notice that the Council would like to initiate solicitation of proposals.

Mr. Brown suggested that the Strategy, criteria and request to solicit proposals be sent to authorizing as well as appropriations committee to let them know the Council is in business.

Mr. Hannibal Bolton, U.S. Fish & Wildlife Service, suggested that the Working Group develop a list of potential projects. Discussion followed.

Mr. Izzo referred the suggestion to the Working Group, and also asked them to develop a Communication Plan.

Ms. Cynthia Garman Squier, Department of the Army, reminded the Council that it still needed to approve the evaluation criteria.

Mr. Izzo asked the Council if changes in weight were needed to any of the criteria. He suggested that, for Tier I items, instead of rating on a 5-point scale and multiplying by 3, evaluators simply rate them on a 15-point scale to give a clear picture of their relative importance. He suggested sending the criteria to OMB and Congressional committees as a draft document, then approve it based on their comments. He suggested removing the “project readiness” item from Tier II and using it as an additional selection factor.

Mr. Mark Wolf-Armstrong suggested that the two points should be transferred to “dedicated funding source,” noting that many States have passed, or are considering, bond issues for natural resources restoration. The members of the Council agreed.

V. NEXT STEPS:

Ms. Garman-Squier discussed the next actions the Council would need to undertake: publication of the final Strategy and preparation of a letter to OMB. Guidance for proposal reviewers, she said, is 95% complete, but should wait for review by OMB and members of Congress before being made final. The Working Group is looking at deadlines for proposals, review procedures for technical innovation, an appeals process, cost-sharing agreements, lead agencies for projects and shifting of funds from other agencies, NEPA compliance, and completion reports. NOAA is continuing to work on databases as reported at the last meeting. The Working Group will also look at the Action Items in the Strategy.

Mr. Izzo suggested the Working Group develop a two-year plan and schedule.

VI. NATIONAL ESTUARY PROGRAM:

Mr. Brown gave a presentation on this EPA program, noting that 28 local programs have already protected or restored more than a million acres of habitat, although there may be some double counting.

Mr. Gudes asked the size of the program's budget.

Mr. Brown said it was \$21 million.

VII. PUBLIC COMMENT:

Mr. Wolf-Armstrong, Restore America's Estuaries, expressed delight at the progress the Council is making to date in approving the Strategy and developing criteria. He noted that the Federal government already does "small footprint" projects that support the Estuary Habitat Restoration Program's goals, but with the Program in place it will be able to work in larger areas such as Puget Sound or the Gulf of Maine. He suggested the Council work with the Administration to secure funding in FY 04, warning that the Program is only authorized through FY 05. Private entities, he said, are strongly interested in the Council's work and are willing to sponsor projects. Firms see estuary habitat restoration as a growth area.

There being no further public comment, the meeting was adjourned at 12:00 p.m.